

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

APRIL SIMPSON,)	
)	Civil Action
Plaintiff)	No. 2009-CV-00423
)	
vs.)	
)	
MICHAEL J. ASTRUE,)	
Commissioner of)	
Social Security,)	
)	
Defendant)	
)	
SOCIAL SECURITY ADMINISTRATION)	
)	
Interested Party)	

O R D E R

NOW, this 25th day of February, 2010 , upon consideration of the Brief and Statement of Issues in Support of Request for Review filed June 15, 2009; upon consideration of Defendant's Response to Plaintiff's Request for Review filed August 18, 2009; upon consideration of Plaintiff's Brief in Reply to Defendant's Brief in Response to Plaintiff's Request for Review filed August 28, 2009; upon consideration of the Report and Recommendation of Chief United States Magistrate Judge Thomas J. Rueter ("R&R") filed November 30, 2009; upon consideration of plaintiff's Complaint, defendant's Answer and after a thorough review of the record in this matter; it appearing that neither party filed objections to Chief Magistrate Judge Rueter's Report and Recommendation; it further appearing that Chief Magistrate Judge Rueter's Report and Recommendation

correctly determined the legal and factual issues presented in this case,

IT IS ORDERED that Chief Magistrate Judge Rueter's Report and Recommendation is approved and adopted.

IT IS FURTHER ORDERED that plaintiff's request for review is granted.

IT IS FURTHER ORDERED that judgment is entered in favor of plaintiff April Simpson and against defendant Michael J. Astrue, Commissioner of the Social Security Administration.

IT IS FURTHER ORDERED that the decision of the Commissioner dated March 27, 2008 and affirmed by the Appeals Council on December 22, 2008 which denied benefits to plaintiff April Simpson is reversed.

IT IS FURTHER ORDERED that pursuant to sentence four of 42 U.S.C. § 405(g) this matter is remanded to the Commissioner for further proceedings consistent with Chief Magistrate Judge Rueter's Report and Recommendation.¹

¹ Among the further proceedings recommended by Chief Magistrate Judge Rueter and approved in this Order which the Administrative Law Judge ("ALJ") shall complete are the following:

1. After proper consideration of the evidence relating to plaintiff's DVT and the need for her to elevate her leg, the ALJ should obtain vocational evidence regarding jobs which could be performed by plaintiff. (R&R, page 11 n.9).

2. The ALJ should properly analyze what impact, if any, the side effects of plaintiff's medication have on her ability to perform work. (R&R, page 13).

(Footnote 1 continued):

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case closed for statistical purposes.

BY THE COURT:

/s/ James Knoll Gardner
James Knoll Gardner
United States District Judge

(Continuation of footnote 1):

3. The ALJ should discuss plaintiff's use of a cane and analyze the impact plaintiff's use of an assistive device had on her ability to perform the limited range of sedentary work. (R&R, page 13 n. 10).

4. The ALJ should discuss the impact of plaintiff's obesity, that is, how plaintiff's obesity, in combination with her other impairments, affected her ability to perform work. (R&R, page 14).

5. After conducting a proper analysis of the record, the ALJ should pose to a Vocational Expert ("VE") a hypothetical which encompasses all of plaintiff's credibly established limitations. (R&R, page 15).

6. The ALJ should reassess plaintiff's credibility after conducting a proper analysis of the evidence of record. (R&R, page 17).